

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

No. 5:18-CV-418-FL

NATIA C. RIDGES, and TIMELY )  
TRANSPORTATION & LOGISTICS, INC., )

Plaintiffs, )

v. )

ORDER

DIAMOND TRUCK SALES, PREMIUM )  
2000, STOOPS FREIGHTLINER, )  
FREIGHTLINER WESTERN STAR )  
HAGERSTOWN, ADVANCE )  
MAINTENANCE ONSITE VEHICLE )  
SERVICE, DAIMLER TRUCKS NORTH )  
AMERICA, and DIRECT CAPITAL CORP., )

Defendants. )

This matter is before the court on the memorandum and recommendation (“M&R”) of Magistrate Judge Robert T. Numbers, II, pursuant to 28 U.S.C. § 636(b)(1)(C) and Fed. R. Civ. P. 72(b), wherein it is recommended that plaintiff’s \$425,000 North Carolina Unfair and Deceptive Trade Practices Act, N.C. Gen. Stat. § 75–1.1 et seq. claim be allowed to proceed against Diamond Truck Sales, a South Carolina company. The M&R also recommends the court dismiss Timely Transportation & Logistics, Inc., from the case without prejudice, dismiss plaintiff’s Magnuson-Moss Warranty Act, 15 U.S.C. § 2301, claim with prejudice, and dismiss all remaining claims against any remaining defendants without prejudice, all on frivolity review under 28 U.S.C. § 1915(e)(2)(B). Plaintiff did not object to the M&R.

Upon careful review of the M&R and the record generally, finding no error in this

determination, the court ADOPTS the findings and recommendations of the magistrate judge. Plaintiff's claims under the Magnuson-Moss Warranty Act are DISMISSED with prejudice, Timely Transportation is DISMISSED from this action without prejudice, and all defendants except Diamond Truck Sales are DISMISSED without prejudice, all pursuant to 28 U.S.C. § 1915(e)(2)(B).

Plaintiff's claim against Diamond Truck Sales for unfair and deceptive trade practices is allowed to proceed. The clerk is DIRECTED to serve plaintiff's complaint by US Marshal in accordance with Rule 4(c)(3).

SO ORDERED, this the 10th day of December, 2018.

A handwritten signature in black ink, reading "Louise W. Flanagan". The signature is written in a cursive, flowing style. The first letter "L" is large and loops around. The "W" is also stylized. The signature is positioned above a horizontal line.

LOUISE W. FLANAGAN  
United States District Judge